

RESOLUTION NO. A-_____

USE PERMIT NO. 154

1 WHEREAS, Gerald Maddox has submitted an application in accordance
2 with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No.
3 154 for authority to develop 495,000 sq. ft. of office and commercial floor area, with
4 waivers to the required preliminary plat process, front yard setbacks, rear yard
5 setbacks, building height, and sanitary sewer design standards on property generally
6 located southeast of the intersection of South 27th Street and Yankee Hill Road, and
7 legally described to wit:

8 A tract of land located in the Northwest Quarter of Section
9 30, Township 9 North, Range 7 East of the 6th P.M.,
10 Lancaster County, Nebraska. More particularly described as
11 follows:

12 Referring to the northwest corner of said Quarter; thence
13 S00°03'13"E on an assigned bearing and along the west
14 line of said Quarter, a distance of 1,301.18 feet; thence
15 N89°56'47"E, a distance of 50.00 feet to a point on the east
16 right-of-way line of South 27th Street, said point also being
17 the point of beginning; thence N00°03'13"W along said right-
18 of-way, a distance of 1,207.19 feet; thence N44°21'13"E, a
19 distance of 64.31 feet; thence along the south right-of-way
20 line of Yankee Hill Road for the next five courses,
21 N88°45'38"E, a distance of 636.99 feet; thence
22 S00°03'32"E, a distance of 10.00 feet; thence N88°45'38"E,
23 a distance of 676.55 feet; thence N00°03'50"W, a distance
24 of 10.00 feet; thence N88°45'38"E, a distance of 431.91
25 feet; thence S00°09'12"E, a distance of 619.81 feet to the
26 point of curvature of a radial curve to the right having a
27 central angle of 17°32'36", a radius of 530.00 feet, an arc
28 length of 162.28 feet, a chord length of 161.65 feet and a
29 chord bearing of S08°37'06"W; thence along said curve, a
30 distance of 162.28 feet; thence S17°23'24"W, a distance of
31 419.88 feet to the point of curvature of a non tangent curve

1 to the left having a central angle of 07°57'59", a radius of
2 2,600.00 feet, an arc length of 361.50 feet, a chord length of
3 361.21 feet and a chord bearing of N86°10'13"W; thence
4 along said curve, a distance of 361.50 feet; thence
5 S89°50'47"W, a distance of 316.69 feet to the point of
6 curvature of a radial curve to the left having a central angle
7 of 15°00'00", a radius of 1,200.00 feet, an arc length of
8 314.16 feet, a chord length of 313.26 feet and a chord
9 bearing of S82°20'47"W; thence along said curve, a
10 distance of 314.16 feet; thence S74°50'48"W, a distance of
11 296.68 feet to the point of curvature of a radial curve to the
12 right having a central angle of 15°00'00", a radius of 400.00
13 feet, an arc length of 104.72 feet, a chord length of 104.42
14 feet and a chord bearing of S82°20'48"W; thence along said
15 curve, a distance of 104.72 feet; thence S89°50'48"W, a
16 distance of 263.39 feet to the point of beginning; containing
17 2,075,161.28 square feet or 47.6391 acres, more or less;

18 WHEREAS, the real property adjacent to the area included within the site
19 plan for this use permit will not be adversely affected; and

20 WHEREAS, said site plan together with the terms and conditions
21 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln
22 Municipal Code to promote the public health, safety, and general welfare.

23 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
24 Lincoln, Nebraska:

25 That the application of Gerald Maddox, hereinafter referred to as
26 "Permittee", to develop 495,000 sq. ft. of office and commercial floor area on the
27 property legally described above be and the same is hereby granted under the
28 provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that
29 construction and operation of said office and commercial space be in strict compliance
30 with said application, the site plan, and the following additional express terms,
31 conditions, and requirements:

1 1. This permit approves 495,000 square feet of office and commercial
2 floor area.

3 2. The following waivers to the Land Subdivision Ordinance and Design
4 Standards are approved:

5 a. A reduction in the front yard setback from 50' to 30' adjacent to
6 Wilderness Hills Blvd., from 50' to 15' and 20' for parking adjacent
7 to Yankee Hill Road in the B-2 zoned area; a reduction in the rear
8 yard setback in the B-2 zoned area from 50' to 20' adjacent to the
9 R-5 area.

10 b. The building height requirement is amended from 45' to 60' in the
11 O-3 zoning district and from 40' to 50 in the B-2 zoning district.

12 c. The requirements of the sanitary sewer design standards are
13 amended to allow sewer to flow opposite street grades.

14 d. A waiver of the requirement that the Permittee submit a
15 preliminary plat is waived, except that this waiver of the
16 preliminary plat shall only be effective for a period of ten years
17 from the date of the this approval, and shall be of no force or
18 effect thereafter. If any final plat on all or a portion of the
19 approved community unit plan is submitted five years or more
20 after the effective date of the community unit plan, the City may
21 require that a new community unit plan be submitted, pursuant to
22 all the provisions of Section 26.31.015. A new community unit
23 plan may be required if the subdivision ordinance, the design
24 standards, or the required improvements have been amended by

1 the city; and as a result, the community unit plan as originally
2 approved does not comply with the amended rules and
3 regulations.

4 2. Before receiving building permits:

- 5 a. The Permittee must submit an acceptable, revised and
6 reproducible final plan including five copies.
7 b. The construction plans must conform to the approved plans.
8 c. Final plats within this community unit plan must be approved by
9 the City.

10 3. Before occupying the office/commercial floor area all development and
11 construction must be completed in conformance with the approved plans, including design
12 criteria.

13 4. All privately-owned improvements must be permanently maintained by
14 the Permittee or an appropriately established owners association approved by the City Attorney.

15 5. The site plan approved by this permit shall be the basis for all
16 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
17 elements, and similar matters.

18 6. The terms, conditions, and requirements of this resolution shall be
19 binding and obligatory upon the Permittee, its successors, and assigns. The building official
20 shall report violations to the City Council which may revoke the special permit or take such
21 other action as may be necessary to gain compliance.

22 7. The Permittee shall sign and return the City's letter of acceptance to the
23 City Clerk within 30 days following approval of the special permit, provided, however, said 30-
24 day period may be extended up to six months by administrative amendment. The City Clerk

- 1 shall file a copy of the resolution approving the special permit and the letter of acceptance with
- 2 the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor